

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND ALFORD BRADFORD,

Plaintiff,

v.

S. GEE, *et al.*

Defendants.

Case No. 2:20-cv-00714-JDP (PC)

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO STATE A CLAIM

RESPONSE DUE WITHIN TWENTY-ONE
DAYS

On September 10, 2020, the previously assigned magistrate judge dismissed plaintiff's initial complaint with leave to amend. ECF No. 10. Plaintiff subsequently filed a motion for reconsideration challenging that dismissal, ECF No. 15, and a first amended complaint, ECF No. 16. On January 12, 2021, I denied plaintiff's motion for reconsideration and screened his first amended complaint. ECF No. 17. I found that the amended complaint had failed to state a claim and granted plaintiff sixty days to file a second amended complaint. Plaintiff has now filed objections to the January 12, 2021 order, which merely note plaintiff's disagreement with my finding that the amended complaint fails to state a claim. ECF No. 18. He has not, however, filed an amended complaint.

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for plaintiff's failure to prosecute

1 or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); *Hells Canyon Pres.*
2 *Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439,
3 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to
4 administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v.*
5 *Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

6 Plaintiff will be given a chance to explain why the court should not dismiss the case for
7 his failure to file an amended complaint. Plaintiff's failure to respond to this order will constitute
8 a failure to comply with a court order and will result in a recommendation that this action be
9 dismissed. Accordingly, plaintiff is ordered to show cause within twenty-one days why this case
10 should not be dismissed for failure to prosecute and failure to state a claim. Should plaintiff wish
11 to continue with this lawsuit, he shall file, within twenty-one days, a second amended complaint.

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13 IT IS SO ORDERED.

14 Dated: April 5, 2021

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16 JEREMY D. PETERSON
17 UNITED STATES MAGISTRATE JUDGE
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